

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203

CRM-M-15140-2020

Date of decision : 04.08.2020.

Samuel Masih @ Ankit

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.29 dated 22.05.2019, under Sections 363, 366-A, 376 IPC and Sections 4, 6 of the POCSO Act, registered at Police Station Kahnuwan, District Gurdaspur.

Learned counsel for the petitioner contends that although as per the school certificate, the date of birth of the victim was 28.11.2001 and she was, thus, about 17 ½ years on the date of the incident i.e. 14.05.2019 but the birth certificate was not produced. The victim was medically examined and as per report dated 19.06.2019, her radiological age as per ossification data is between 17-19 (+/- 6 months) approximately. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate had stated that she had willingly gone with the petitioner and wants to live with him. He also contends that the petitioner, who is about 19 years of age, is in custody for over ten months since his arrest on 17.09.2019 and is not involved in any other case.

Learned State counsel, upon instructions from ASI Tirlok Chand, contends that 09 out of 16 prosecution witnesses have been examined and offence under Section 376 IPC was added later on vide rapat No.27 dated 26.10.2019. He also contends that the petitioner is in custody for 10 months and 17 days.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner, who is 19 years of age, is in custody for over ten months; he is not involved in any other case; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

August 04, 2020

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No